IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

OP.No. 9427 of 1999(V)

PETITIONER:

C.RAMAKRISHNA PILLAI,
S/O.PARAMESWARA PILLAI,
AGED 53 YEARS, WORKING AS INSPECTOR 1ST GRADE,
K.S.R.TC., KOTTARAKKARA.

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENTS:
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1. **THE KERALA STATE ROAD TRANSPORT CORPORATION,**
   TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM,
   REPRESENTED BY ITS MANAGING DIRECTOR.

2. **THE EXECUTIVE DIRECTOR (VIGILANCE & STATISTICS),**
   K.S.R.T.C., TRANSPORT BAHVAN, FORT, THIRUVANANTHAPURAM.

3. **THE DISTRICT TRANSORT OFFICER,**
   K.S.R.T.C.KOTTARAKKARA.

4. **THE KERALA STATE ROAD TRANSPORT CORPORATION**
   APPELLATE TRIBUNAL, TRANSPORT BHAVAN, FORT,
   THIRUVANANTHAPURAM.

BY ADV. SRI.JOHNSON P.JOHN, SC, KSRTC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.15627/1999 IN O.P.NO.9427/1999 V

DISMISSED

22/06/2007 **SD/-THOTTATHIL B.RADHAKRISHNAN,**
J U D G E.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF CHARGE SHEET NO.VLC4-30930/93 DTD. 16/07/1993.**

EXT.P2: **COPY OF WRITTEN STATEMENT DTD. 2/08/1993.**

EXT.P3: **COPY OF ENQUIRY REPORT NO.G5-4826/93/KYLM DTD. 7/01/1994.**

EXT.P4: **COPY OF ORDER NO.VLC4-30930/93 DTD. 8/04/1994.**

EXT.P5: **COPY OF APPEAL DTD. 13/06/1994.**

EXT.P6: **COPY OF ORDER NO.D.DIS.33049/94/APL2 DTD. 25/09/1995.**

EXT.P7: **COPY OF REVISION PETITION NO.4/1996**

EXT.P8: **COPY OF ORDER DTD. 30/04/1998 IN R.P.NO.4/96.**

/TRUE COPY/

KSS

Thottathil B. Radhakrishnan, J.

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O.P.No.9427 of 1999

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Dated this the 22nd day of June, 2007.

JUDGMENT

Petitioner, an inspector in the Kerala State Road Transport Corporation was served with Ext.P1 show cause notice with memo of charges and statement of allegations attached to it. The specific allegations against him in Ext.P1 are that:

(1) In his service inspection report dated 17-6-1992, he had shown that he had inspected Bus No.N 529 by boarding it from B1 and alighting at FS-1, while on verification of connected journey records, it was revealed that he was not in the bus at that time.

(2) His SIR dated 29-6-1992 showed that he had inspected Bus No.P 502 on that day, which, on scrutiny, came to be noticed as bogus.

Along with the aforesaid charges, certain vague statements of general nature were also made, including

that the inspection report would show that there was manipulation on several days regarding inspection and that the inspector had made an elaborate report in that regard.

2. In Ext.P3 enquiry report, there is no finding that the petitioner had committed the acts specifically alleged, as noticed above. Instead, the enquiry officer concluded that the petitioner inspected Bus No.P 260 and N 360 on 2-6-1992 and 18-6-1992 respectively, but failed to make correct fair stage entries in the inspection report against the actuals. He also found that the petitioner inspected Bus No.N 897 on 18-6-1992 by cancelling the 8th and 9th point entries made by the conductor. Certain inspections of other buses were also referred to in the enquiry report. But Ext.P3 does not contain any finding that the petitioner is guilty of the charges put against him in Ext.P1 memo of charges.

3. The disciplinary authority, however, imposed punishment of barring of two increments with cumulative

effect on the basis of Ext.P3 enquiry report. Petitioner's appeal to the Chairman was dismissed. The Appellate Tribunal also dismissed his revision.

4. As noticed above, there is apparently no finding in the enquiry report that the charges specifically put against him in Ext.P1 are proved. Ext.P1 does not contain any other specific charge. Under such circumstances, the impugned proceedings cannot stand.

In the result, the writ petition is allowed quashing Exts.P4, P6 and P8 orders. The petitioner has since retired. Therefore, his retiral benefits will be re-quantified accordingly and any amount recovered on the basis of the impugned orders will be released to the petitioner, within a period of three months from the date of receipt of a copy of this judgment.

Thottathil B.Radhakrishnan,
sl. **Judge.**

Thottathil B. Radhakrishnan, J.

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O.P.No.9427 of 1999
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JUDGMENT

Dated:22-6-2007